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EXAMINER	
PASS, NATALIE	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/775,019	GRIFFITH, DAVID	
	Examiner	Art Unit	
	Natalie A. Pass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1 February 2001 and 19 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *1,2 and 16-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-15 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10 August 2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Notice to Applicant

1. This communication is in response to the application filed 1 February 2001, and the Response to Restriction Requirement filed 19 April 2005. Claims 10-15, 19-21, and 22-23 have been elected with traverse. Claim 24 has been newly added. Claims 3-5, 7-9 have been amended. Claims 1-2 and 16-18 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Claims 3-15 and 19-24 are pending. The Information Disclosure Statement filed 10 August 2001 has been entered and considered.

Election/Restrictions

2. Applicant's election with traverse of Group II, claims 10-15, 19-21, and 22-23 in the Response to Restriction Requirement filed 19 April 2005 is acknowledged. The traversal is on the ground(s) that Applicant believes that the groups of claims are so closely related that no additional searches are required. This is not found persuasive because, as specified by the Examiner in the Office Action of 18 March 2005 (Paper No. 03092005), the claims span inventions classified in three different classes and subclasses.

The requirement is still deemed proper and is therefore made FINAL. Applicant's addition of newly added claim 24 and amendments to claims 3-5, 7-9 which change dependencies to newly added claim 24 are approved by Examiner.

3. Claims 1-2 and 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 03092005.

4. This application contains claims 1-2 and 16-18 drawn to an invention nonelected with traverse in the Response to Restriction Requirement filed 19 April 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10-15, 3-9 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maury, U.S. Patent Application Publication Number 2002/0046064.

(A) As per claim 10, Maury teaches a method of preparing an executable representation of a rating model (Examiner interprets "an executable representation of a rating model" to be computer executable code embodied on a computer readable medium, and therefore statutory subject matter), the method comprising:

defining an actuary-manipulable representation of a rating model, the actuary-manipulable representation including variables, factor tables and calculation sequences of the rating model, the calculation sequences defined in terms of steps operative on values of the variables and cells of the factor tables (Maury; paragraphs [0030]-[0033]; and

transforming the actuary-manipulable representation to the executable representation, the executable representation including a runtime lookup facility for identification of runtime identifiers in the executable representation corresponding to ones of the variables and a calculate method executable to generate a quote based on inputs supplied via a predefined input interface (Maury; paragraphs [0034], [0037]-[0039]).

Maury fails to explicitly disclose "factor tables having one or more axes." However, the above features are well known in the art, and Maury clearly teaches "[t]he DTP can accept multiple sets of data from different data models with the same set of actions performed on each" and "multiple data sets with multiple table blocks in each. The instructions are carried out upon each data set" (Maury; paragraph [0035]).

It is respectfully submitted that since Maury is directed to "providing a user with an on-line, real-time quote for an insurance product" (Maury; paragraph [0003]), the manipulation of "multiple data sets with multiple table blocks" of Maury, as recited in the above passage, broadly reads on the claimed "factor tables having one or more axes." It is the position of the Examiner that one having ordinary skill in the art at the time of the invention would have found it obvious to include factor tables having one or more axes within the method disclosed by Maury, with the motivation of furnishing an on-line quote to a user for an insurance product, such as auto insurance, which enables the quote to be presented in real time, without the delay inherent, for example, with the use of email (Maury; paragraph [0005]). Furthermore, as described in Applicant's specification (page 1, lines 20-23), "[w]hen taken together, the calculation sequence, the variables, and the factor tables (or tables of adjustments) make up a rating model. An insurance company will typically have a rating model for each line of insurance it offers."

(B) As per claims 11-12, Maury teaches a method as analyzed and discussed in claim 10 above

wherein, for a particular calculation sequence of the actuary-manipulable representation, the transforming includes:

decomposing the particular calculation sequence into layers, each layer including those steps thereof that are at a same flow control level (Maury; paragraphs [0028], [0034]);

for each layer, traversing the steps thereof to identify those of the variables used by the layer (Maury; paragraph [0034], [0041]);

for each layer, traversing the calculation sequence to identify the steps of the layer targeted by other steps of the calculation sequence and emitting code allocating storage for results of the targeted steps (Maury; paragraph [0041]); and

for each layer, emitting code for variable test and index calculations of the layer (Maury; paragraph [0041]); Examiner interprets Maury's teaching of "the underwriter copies its underwriting rules and moves them to live on the server 48 that houses the rating engine 64 for its underwriting" (Maury; paragraph [0041]) to teach a form of traversing the steps or selecting rules to apply; and

wherein the transforming includes:

emitting, for a particular calculation sequence, both logged and non-logged versions of the executable representation (Maury; paragraph [0012]).

(C) As per claims 13-15, Maury teaches a method as analyzed and discussed in claim 10 above

wherein the transforming includes a two-step compilation,

a first step thereof producing a platform independent source form from the actuary-manipulable representation (Maury; paragraphs [0024], [0031]), and

a second step thereof producing the executable representation from the platform independent source form (Maury; paragraphs [0024], [0031]);

wherein the runtime lookup facility of the executable representation includes a predefined interface for obtaining the runtime identifiers corresponding to respective ones of the variables and factor tables of the rating model (Maury; paragraphs [0028]-[0029], [0031], [0034]); and

wherein the runtime identifiers allow client code to set and access runtime storage corresponding to respective ones of the variables and factor tables (Maury; paragraphs [0028]-[0029], [0031], [0034]);

wherein the client code is part of a networked information service (Maury; paragraphs [0024], [0028]-[0029], [0031], [0034]); and

wherein the executable representation of the rating model is employed to prepare a quote for presentation by the networked information service (Maury; paragraphs [0024], [0028]-[0029], [0031], [0034]).

(D) As per claims 24, 3, Maury teaches a method as analyzed and discussed in claim 10 above

fiuther comprising:

executing the executable representation to calculate a quote for an insurance product (Maury; paragraphs [0024]-[0025], [0031]-[0032], [0034]); and

wherein the rating model defining is performed in accordance with XML (reads on "a predefined document type definition"); Examiner interprets Maury's teaching of "the system application is written with Cold Fusion, Java, C, C++, Hypertext Markup Language (HTML), and JavaScript" (Maury; paragraph [0024]) as teaching using an assortment of markup languages to enable real-time insurance quoting. It is the position of the Examiner that one having ordinary skill in the art at the time of the invention would have found it obvious to include additional markup languages such as XML (reads on "a predefined document type definition") within the method disclosed by Maury, with the motivation of using a publicly available, standardized data format (XML) to enable the meaningful exchange of data between the computers hosted by the web server and the resource server in order to further define the language for the intended audience, i.e. "various affinity groups," in order to provide the individualized service required to achieve Maury's recited objective of providing "the online quoting facility on affinity client websites" (Maury; paragraphs [0005], [0024], [0027]).

(E) As per claims 4-6, Maury teaches a method as analyzed and discussed in claims 10 and 24 above

wherein the transforming to the executable representation includes compilation of the actuary-manipulable representation to a platform independent executable form such as Java (Maury; paragraphs [0024], [0031]); and

wherein the executable representation includes:

predefined input and output interfaces (Maury; paragraphs [0034], [0037]-[0039];

a runtime lookup facility for identification of runtime identifiers in the executable representation corresponding to ones of the variables (Maury; paragraphs [0034], [0037]-[0039]); and

a calculate method of the compiled rating model executable to generate the quote based on inputs supplied via the input interface (Maury; paragraphs [0034], [0037]-[0039]);

employing the runtime lookup facility to identify particular runtime identifiers corresponding to particular variables (Maury; paragraphs [0028]-[0029], [0031], [0034], [0037]-[0039]);

setting values for the particular variables using the corresponding runtime identifiers and the predefined input interface (Maury; paragraphs [0028]-[0029], [0031], [0034], [0037]-[0039]); and

retrieving the quote via the predefined output interface (Maury; paragraphs [0034], [0037]-[0039]).

(F) As per claims 7-8, Maury teaches a method as analyzed and discussed in claims 10 and 24 above

wherein the actuary-manipulable representation includes markup language encoded metadata (such as those based on markup languages such as XML) (Maury; paragraph [0024]);

wherein the actuary-manipulable representation is XML, encoded (Maury; paragraph [0024]); Examiner interprets Maury's teaching of "the system application is written with Cold Fusion, Java, C, C++, Hypertext Markup Language (HTML), and JavaScript" (Maury; paragraph

[0024]) as teaching using an assortment of markup languages to enable real-time insurance quoting. It is the position of the Examiner that one having ordinary skill in the art at the time of the invention would have found it obvious to include additional markup languages such as XML within the method disclosed by Maury, with the motivation of using a publicly available, standardized data format (XML) to enable the meaningful exchange of data between the computers hosted by the web server; and the resource server in order to further define the language for the intended audience, i.e. "various affinity groups," in order to provide the individualized service required to achieve Maury's recited objective of providing "the online quoting facility on affinity client websites" (Maury; paragraphs [0005], [0024], [0027]).

(G) As per claim 9, Maury teaches a method as analyzed and discussed in claims 10 and 24 above

wherein the actuary-manipulable representation includes a graphical user interface presentation of the variables, factor tables and computational flows of the rating model based on markup language encoded metadata (Maury; paragraphs [0024]-[0025]).

(H) Claims 19, 21 differ from method claims 10, 15 by reciting a "computer program product" in the preamble. As per this limitation, Maury's method is inherently implemented on a computer, as it is directed to "providing a user with an on-line, real-time quote for an insurance product, such as an auto insurance product" (Maury; paragraph [0002]). As such, Maury implicitly includes computer elements such as a computer program product. The remainder of

claims 19, 21 repeat the limitations of claim 10, 15, and are therefore rejected for the same reasons given above for claim 10, 15.

(I) As per claim 20, Maury teaches a method as analyzed and discussed in claim 19 above

wherein the runtime identifiers allow client code to employ the compiled rating model without knowledge of internals thereof (Maury; paragraph [0024]; Examiner interprets Maury's teaching of "[t]he system connects to the rating server 48, such as a proprietary rating engine available from Agency Management System, Inc., prefills data into a host application and stores data to be retrieved via a computer telephony integration (CTI) system" (Maury; paragraph [0024]as teaching this limitation.

(J) Apparatus claims 22-23 repeat the subject matter of claims 10, 4 and 14, respectively, as a set of "means-plus-function" elements rather than a series of steps. As the underlying processes of claims 10, 4 and 14 have been shown to be obvious in view of the teachings of Maury in the above rejections of claims 10, 4 and 14, it is readily apparent that the system disclosed by Maury includes the apparatus to perform these functions. As such, these limitations are rejected of the same reasons given above for method claims 10, 4 and 14, and incorporated herein.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references, Grover et al, U.S. Patent Application Publication 2002/0188484, Geraghty, U.S. Patent Application Publication 2002/0099596, Ogawa et al., U.S. Patent Application Publication 2001/0023404, Hare et al., U.S. Patent Application Publication Number 2002/0046053, Brubaker, U.S. Patent Number 6, 186, 793, and Kannenberg, U.S. Patent Application Publication 2003/0158759 teach the environment of providing automated, on-line, computerized insurance quotes.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687**.

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

Natalie A. Pass

June 23, 2005

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
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